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5  
6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ALASKA

8 CAROLYN MITCHELL, )  
9 Plaintiff, )  
10 vs. )  
11 ANCHORAGE POLICE DEPARTMENT and the )  
12 MUNICIPALITY OF ANCHORAGE, a )  
13 municipal corporation, WALTER MONEGAN, )  
14 Officer HENIKMAN, and Officer J. VOSS, )  
Defendants. )

Case No. 3:05-cv-00273-JWS

15  
16 **OPPOSITION TO REQUEST FOR STATUS CONFERENCE**

17 On April 28, 2008, Defendants filed a Non-Opposition Request For Status  
18 Conference, at docket 92. Plaintiff, by and through her attorney, Isaac Derek Zorea,  
19 hereby opposes this entitled “non-opposition,” motion. The reasons are laid out  
20 below.  
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22 On March 25, 2008, this court issued its Order for Pre-Trial Proceedings and  
23 Final Pre-Trial Conference, at docket 90. Defendants’ counsel Joyce Weaver  
24 Johnson called plaintiff, Carolyn Mitchell’s, attorney Isaac Derek Zorea concerning  
25 the court’s order. Plaintiff’s attorney remembers that the call occurred very soon  
26

1 after this court issued its order, perhaps on March 26, 2008.

2 At the time of the call, plaintiff's attorney stated a non-opposition to an  
3 *immediately* requested status conference. Defendant's attorney, Joyce Weaver  
4 Johnson, did identify some potential conflicts with this court's June 30, 2008 trial  
5 date. However, plaintiff's attorney believes that her conflicts should have been  
6 brought to this court's attention many weeks ago. The subsequent delays have  
7 prejudiced plaintiff, and wasted plaintiff attorney's time spent complying with this  
8 court's mandates issued in its order at docket 90.  
9

10  
11 Plaintiff's attorney believes that the lengthy delay by defendant's attorney to  
12 request a status conference indicated that she had resolved her conflict with this  
13 court's chosen date. To file a request for a status conference on April 28, 2008,  
14 instead of March 30, 2008 or early April, 2008, must be deemed untimely by this  
15 court. Plaintiff's attorney has taken great efforts to prepare for the June 30, 2008 trial  
16 date. Complying with this court's order at docket 90, plaintiff's attorney has  
17 gathered together exhibits for trial, finalized her witness list, established joint  
18 statement of issues, and undisputed facts. All the work accomplished by April 28,  
19 2008, occurred as preparation for the June 30, 2008 trial date.  
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21  
22 Plaintiff is preparing a separate opposition to defendants' request for a second  
23 summary judgment, even though these issues are somewhat linked within  
24 defendants' motion filed at docket 92. Plaintiff's attorney is not implying that  
25 defendant's attorney intentionally mis-spoke by characterizing her request for a status  
26 conference as non-opposed. However, defendants' counsel did not *recently* speak  
27

1 with plaintiff's counsel concerning a status conference. During the interaction  
2 between plaintiff and defendants' counsel in preparing for the April 28, 2008 joint  
3 report, defendants' counsel did not mention that she intended to modify the June 30,  
4 2008 trial date.  
5

6 Almost four years have elapsed since Carolyn Mitchell was falsely arrest by  
7 Officers Voss and Henikman. At docket 90, this Court established the trial date for  
8 this litigation, and thereby created a definitive date Mrs. Mitchell could look to for  
9 resolving her conflict with the defendants. This Court's order at docket 90 stated in  
10 unambiguous terms that the June 30, 2008 trial date is not a backup date. As such, if  
11 defendants had a strong reason for objecting to that trial date, the object should have  
12 been filed immediately.  
13

14 Based on the above stated reasons, plaintiff opposes the defendants' Non-  
15 Opposed Request For Status Conference. The April 28, 2008 deadline established by  
16 the Court at docket 90 has come and passed. Plaintiff's trial preparation is fully  
17 underway, coupled with the mental expectation that a trial date is finally on the  
18 horizon. To effectuate a change to the trial date at this late stage would cause  
19 increased emotional distress to plaintiff, and waste time for plaintiff's legal team.  
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21 For these reasons, plaintiff requests that no change occur concerning the trial  
22 date, currently set for June 30, 2008.  
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24  
25  
26  
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1 Respectfully submitted this 29<sup>th</sup> day of April 2008.

2  
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10 Certificate of Service

11 I hereby certify that on April 29, 2008  
12 I electronically filed the foregoing with  
13 the Clerk of Court using the CM/ECF  
14 system which sent notification to the  
15 following:

16 Joyce Weaver Johnson

17 and I hereby certify that I have mailed by  
18 United States Postal Service the document  
19 to the following non CM/ECF participants:

20 none.

21 Dated this 29<sup>th</sup> day of April 2008, at Anchorage, Alaska.

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